IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2794 OF 2004

Amjad Hussein Khan ...Applicant

Versus

Intelligence Officer & Anr. ...Respondents

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Mr.Ayaz Khan for Applicant.

Mr.Dilip Daund i/b Mr.Raja Thakare for Respondent No.1.

Mr.A.S.Gadkari, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 8, 2004.

P.C.

1. Heard Counsel for the applicant. Mr.Dilip Daund makes request for adjourning the matter on the ground that Mr.Thakare is held up in Court at Pune. Such request cannot be countenanced. It would have been a different matter if the Advocate was busy in a Court superior to High Court. That is not the case. The Respondent was expected to

make necessary arrangements for the hearing of the application. Accordingly, the matter is proceeded on merits.

2. This application is for relaxing the additional condition imposed by this Court in its order dated 6th June 2003 while confirming the order of bail granted by the Trial Court in favour of the applicant. By order dated 6th June 2003, this Court required the applicant to attend the DRI Office on every Monday and Thursday between 11.00 a.m. to 2.00 p.m. It is now brought to my notice that the trial has already commenced and three prosecution witnesses have already been examined.

3. Taking overall view of the matter, the additional condition as imposed in order dated 6th June 2003 referred to above, deserves to be relaxed in the following terms:

> "The applicant shall attend DRI Office once a fortnight till the trial is completed on Friday between 11.00 a.m. to 2.00 p.m.

4. Rest of the condition in the order dated 6th June 2003 would remain as it is.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.